

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69294 of 2018

Arising Out of PS. Case No.-395 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

Md. Habib Ansari Son of Md. Shaukat Ansari Resident of Mohalla-Fakira
Khan, P.S.-Laheriasarai, District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali

For the Opposite Party/s : Mr. Sri Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-12-2018 The petitioner seeks bail in anticipation of his arrest in connection with Laheriasarai P.S. Case No. 395 of 2018 dated 04.08.2018 instituted for the offences under Sections 448, 341, 323, 354, 379, 363, 366(A), 34 of the Indian Penal Code.

Initially, a complaint was lodged by the mother of the victim which was sent under Section 156(3) Cr.P.C for institution of a regular case, giving rise to the subject F.I.R.

It has been alleged that the petitioner always used to stalk her daughter but after *Panchayati* that was stopped. Later, the victim was abducted for the purposes of marrying her with the petitioner.



The learned counsel for the petitioner has submitted that an absolutely false case has been lodged by the mother of the victim. In fact, the victim in her statement under Section 161 Cr.C. had stated that she had run away from her home on her own volition for the purposes of marrying the petitioner in Kolkata. Similar statement has been made by her in the 164 Cr.P.C statement. Though the victim has been shown to be a minor but the medical report regarding her age is that she is between 18-19 years. The age of the victim as disclosed in the *Aadhar* Card cannot only be the basis for ascertaining her age as such information might have been provided by her mother or other elders of the family.

But the fact remains that the victim herself has disclosed that she is a major and even the Magistrate who recorded her statement under Section 164 Cr.P.C has assessed her age to be eighteen years.

The the petitioner, above named therefore, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, is directed



to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 395 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Ashutosh Kumar, J)

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